UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
09/085,755	05/27/98	ELLIS, III	F GNC12US

LM02/0802

PILLSBURY, MADISON & SUTRO, LLP
INTELLECTUAL PROPERTY GROUP
NINTH FLOOR EAST TOWER
1100 NEW YORK AVENUE NW
WASHINGTON DC 20005-3918

EXAMINER	
EDELMAN, B	
ART UNIT	**PAPER NUMBER**
2757	13

DATE MAILED: 08/02/00

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.	Applicant(s)
09/085,755	Frampton
Examiner	**Group Art Unit**
Bradley Edelman	2757

☒ Responsive to communication(s) filed on *May 30, 2000*

☒ This action is **FINAL.**

☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire *3* month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claim

☒ Claim(s) *1 and 9-14* is/are pending in the applicat

Of the above, claim(s) _____ is/are withdrawn from consideration

☐ Claim(s) _____ is/are allowed.

☒ Claim(s) *1 and 10-12* is/are rejected.

☒ Claim(s) *9, 13, and 14* is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☒ The proposed drawing correction, filed on *May 30, 2000* is ☒ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☒ None of the CERTIFIED copies of the priority documents have been

☐ received.

☐ received in Application No. (Series Code/Serial Number) _____ .

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

☒ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☒ Notice of References Cited, PTO-892

☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). *12*

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

— SEE OFFICE ACTION ON THE FOLLOWING PAGES —

DETAILED ACTION

This action is in response to Applicant's amendment filed on May 30, 2000. Claims 1 and 9-14 are presented for further examination.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless --
>
> (e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371© of this title before the invention thereof by the applicant for patent.

2. Claims 1 and 10 are rejected under 35 U.S.C. 102(e) as being anticipated by Robertazzi et al. (U.S. Patent No. 5,889,989, hereinafter "Robertazzi").

In considering claim 1, Robertazzi discloses a network server (controller 103) for a network of computers (107, 105, 109), comprising:

a first mechanism for the network server to function as a master in a shared processing operation, including parallel processing, involving at least two personal computers, connected to the network server through the network (114), functioning as slaves to said master (col. 1, lines 10-15);

a second mechanism for the master network server to subdivide the operation into a plurality of parts, and to send one of the parts to each of the slaves for processing by the slaves (col. 2, line 66 - col. 3, line 5); and

a compensation determining mechanism to determine compensation for processing services provided by the personal computers in the shared processing operation (col. 3, lines 22-42).

Although Robertazzi does not explicitly disclose multi-tasking, it is well known that multi-tasking is inherent in any server or personal computer available at the time the invention was made.

In considering claim 10, Robertazzi further discloses the compensation including a financial charge (col. 3, lines 22-42).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. Claims 11 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Robertazzi.

In considering claim 11, although the system taught by Robertazzi discloses substantial features of the claimed invention, it fails to disclose the network server providing network services, including connection functions, which include providing access by one of the personal computers to the network. Nonetheless, network servers that provide personal computers connection and access to a network are notoriously well known in the art. A person having ordinary skill in the art would have readily recognized the desirability and advantages of running the shared processing operation disclosed by Robertazzi on a typical network service providing server because a service providing server would already possess important information relating to its users' client devices, and thus would not need to look up any new information in order to perform task distribution. Therefore, it would have been obvious to run the shared processing operation disclosed by Robertazzi on a typical network service providing server as claimed.

In considering claim 12, although the system taught by Robertazzi discloses substantial features of the claimed invention, it fails to disclose the compensation including a charge for access to the network by one of the personal computers. Nonetheless, network servers that provide personal computers connection and access to a network and that impose a charge on their users are notoriously well known in the art. A person having ordinary skill in the art would have readily recognized the desirability and advantages of running the shared processing operation

disclosed by Robertazzi on a typical network service providing server (which typically charges its users for access to the network) because a service providing server would already possess important information relating to its users' client devices, and thus would not need to look up any new information in order to perform task distribution. Therefore, it would have been obvious for the compensation to include a charge for access to the network by one of the personal computers.

Response to Arguments

5. Applicant's arguments with respect to claims 1 and 9-14 have been considered but are moot in view of the new ground(s) of rejection.

Allowable Subject Matter

6. Claims 9, 13, and 14 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

7. The following is a statement of reasons for the indication of allowable subject matter:

The prior art of record fails to disclose or suggest a means for determining a charge based on a difference between a monitored provision to the network of a shared computing processing operation by one of the personal computers and a monitored use of the network services by the personal computer.

Conclusion

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bradley Edelman whose telephone number is (703) 306-3041. The examiner can normally be reached on Monday to Friday from 8:30 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glen Burgess, can be reached on (703) 305-4792. The fax phone number for the organization where this application or proceeding is assigned is (703) 305-7201.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-3900.

BE

July 25, 2000

GLENTON B. BURGESS
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2700